

# EXHIBIT B

**In The Matter Of:**

*In re*

*Jeffrey R. Modica, et al., Debtors*

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*KATARZYNA A. MODICA*

*December 18, 2013*

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1 KATARZYNA A. MODICA,  
2 called as a witness, being first duly sworn, was  
3 examined and testified as follows:  
4 DIRECT EXAMINATION  
5 BY MR. BLANKENSHIP:  
6 Q Will you state your name.  
7 A Sure, Katarzyna Modica.  
8 MR. BLANKENSHIP: Let the record reflect  
9 that this is the deposition of Katarzyna Modica  
10 taken pursuant to notice, agreement of the parties,  
11 and the applicable Federal and Bankruptcy rules.  
12 BY MR. BLANKENSHIP:  
13 Q Ms. Modica, my name is Marshall  
14 Blankenship. I represent Green Tree. I'm going to  
15 be asking you a series of questions about your  
16 motion here against Green Tree. Have you ever been  
17 deposed before?  
18 A No.  
19 Q If you don't understand a question, please  
20 let me know, and I'll try to rephrase it so you can  
21 understand it, okay?  
22 A Okay.  
23 Q We can't speak at the same time since the  
24 court reporter is typing it all down, so I ask that

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1 you let me finish my question before you give your  
2 answer, okay?  
3 A Okay.  
4 Q Okay. If you need to take a break, just  
5 let me know, okay?  
6 A Okay.  
7 Q Do you live with your husband at 240 South  
8 Villa Avenue in Addison, Illinois?  
9 A Yes.  
10 Q What is your birthday?  
11 A 7-3-83.  
12 Q That makes me feel old.  
13 And you're married to Jeff Modica?  
14 A Yes.  
15 Q How long have you been married?  
16 A Eight years.  
17 Q You have three sons?  
18 A Yes.  
19 Q What's your highest level of education?  
20 A Some college.  
21 Q Where did you go to college?  
22 A Sanford-Brown.  
23 Q How long did you go?  
24 A Two years.

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1 Q And when did you finish there?  
2 A 2011.  
3 Q Okay. Are you presently employed?  
4 A No.  
5 Q Have you been employed since your  
6 Sanford-Brown days?  
7 A Yes.  
8 Q What was your last job?  
9 A Medical assisting at Northwest  
10 Rheumatology.  
11 Q What period of time did you hold that  
12 position?  
13 A About a year and a half.  
14 Q When was that?  
15 A It was from March of 2012 to October of  
16 this year.  
17 Q What did you do before that?  
18 A Stayed at home with the kids.  
19 Q Okay. Did you do anything to prepare for  
20 this deposition?  
21 A Not really, just looked over some  
22 paperwork.  
23 Q What paperwork did you look over?  
24 A The --

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1 Q The motion?  
2 A Uh-huh.  
3 (J. Modica Exhibit No. 1  
4 previously marked for identification.)  
5 BY MR. BLANKENSHIP:  
6 Q I'm going to show you what we've marked as  
7 Exhibit 1. Do you recognize that as the motion that  
8 you filed here?  
9 A Yes.  
10 Q And you looked over that in preparation  
11 for today?  
12 A Yes.  
13 Q Did you look at any other documents in  
14 preparation for today?  
15 A No.  
16 Q Did you speak with anyone in preparation  
17 for today?  
18 A My husband.  
19 Q Anyone else?  
20 A No.  
21 Q Did you speak with your counsel?  
22 A Oh, yes, I spoke with them.  
23 Q I don't want to know the contents of your  
24 conversation.

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1 A Yes, yes, yes.  
2 Q And when was that?  
3 A Yesterday.  
4 Q For how long?  
5 A About an hour.  
6 Q Now, you moved into the property in  
7 Addison in around 2000; is that right?  
8 A Yes.  
9 Q And are you on the title to the property?  
10 A No.  
11 Q And I'm trying to short-cut here since I  
12 got a lot of this from your husband.  
13 A Yes.  
14 Q You obtained an initial mortgage for the  
15 property from Countrywide?  
16 A Yes.  
17 Q And were you a signatory on that loan?  
18 A No. We weren't married yet so . . .  
19 Q Okay. And then when did you get married?  
20 A We got married in 2006.  
21 Q And then in May of 2008 you obtained a  
22 second mortgage from Countrywide?  
23 A Yes.  
24 Q And that was in the amount of about

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1 \$51,000?  
2 A Yes.  
3 Q Were you a signatory on that loan?  
4 A No.  
5 Q And then you filed for bankruptcy on  
6 June 6, 2008?  
7 A Uh-huh.  
8 Q Okay. And that was about a month after  
9 you obtained that second mortgage from Countrywide?  
10 A I believe so.  
11 Q Do you recall when you retained the  
12 Sulaiman Law Group to represent you?  
13 A Not exactly, maybe a year ago or so, a  
14 little over a year.  
15 Q Okay. In the approximately fall of 2012?  
16 A Yes.  
17 Q What prompted you to retain them at that  
18 time?  
19 A Just searching for options regarding  
20 foreclosure on the house.  
21 Q Was someone threatening foreclosure at  
22 that time?  
23 A Bank of America was.  
24 Q And that resulted ultimately in you

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1 getting a loan modification of the first mortgage?  
2 A Yes.  
3 Q And I understand that just kind of was  
4 finalized within the last few months?  
5 A Yes.  
6 Q At the time you filed for bankruptcy, you  
7 were current on both of your loans?  
8 A Yes.  
9 Q And when you filed for bankruptcy, it was  
10 your intent to stay in your home?  
11 A Yes.  
12 Q And you received your discharge from the  
13 bankruptcy court on September 9, 2008?  
14 A Yes.  
15 Q And you understood that Countrywide's  
16 mortgage lien on the Addison property was not  
17 affected by your bankruptcy?  
18 A I'm not sure.  
19 MR. BADWAN: Objection. You're asking her  
20 for a legal conclusion.  
21 BY MR. BLANKENSHIP:  
22 Q No, I'm asking for your understanding.  
23 MR. BLANKENSHIP: Yes, sir. Go ahead.  
24 MR. BADWAN: Can I rephrase into something

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1 I think she can --  
2 MR. BLANKENSHIP: No, I'll do it.  
3 MR. BADWAN: Okay.  
4 BY MR. BLANKENSHIP:  
5 Q You understood that Countrywide could  
6 still pursue foreclosure of the mortgage in the  
7 event payments were not made on the mortgage, right?  
8 A Yes.  
9 Q And you understood that if Countrywide  
10 pursued foreclosure, it could force you from your  
11 home, right?  
12 A Yes.  
13 Q And you understood if you continued to  
14 make regular monthly payments to Countrywide,  
15 Countrywide would not foreclose?  
16 A Right.  
17 Q And then after your discharge, in fact you  
18 continued to make regular monthly payments of  
19 approximately \$375 a month on your loan?  
20 A Yes.  
21 Q And you made those payments so Green Tree  
22 would not -- or Countrywide would not foreclose, and  
23 you could stay in your home?  
24 A Right.

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1 Q And you did the same with Bank of  
2 America --  
3 A Yes.  
4 Q -- you made payments on the first mortgage  
5 every month?  
6 A Yes.  
7 Q Do you recall the servicing of the  
8 Countrywide loan being transferred to Green Tree at  
9 some point?  
10 A Yes.  
11 Q And was that approximately in March of  
12 2011?  
13 A Yes.  
14 Q And you continued to make the regularly  
15 monthly payments to Green Tree as well, correct?  
16 A Yes.  
17 Q And then you made your last monthly  
18 payment to Green Tree in September of 2011?  
19 A Yes.  
20 Q And you also made your last payment to  
21 Bank of America on the first mortgage?  
22 A Yes.  
23 Q Why did you stop making payments on your  
24 mortgages in September 2011?

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1 A Drastic income reduction.  
 2 Q What was the cause of that?  
 3 A I stopped working full time to stay home  
 4 with the kids.  
 5 Q How much had you been making prior to  
 6 stopping work?  
 7 A About 700 a week.  
 8 Q And when you stopped making the payments,  
 9 did you have an understanding that Green Tree or  
 10 Bank of America could foreclose on their mortgages  
 11 and toss you out of your house?  
 12 A Yes.  
 13 Q Did that trouble you?  
 14 A Yes.  
 15 Q Were you willing to leave your house at  
 16 that point?  
 17 A No.  
 18 Q After you filed for bankruptcy, did you  
 19 ever tell Green Tree that you wanted to stay in your  
 20 home?  
 21 A No, I don't think so.  
 22 Q Did you ever tell Green Tree that you  
 23 didn't want Green Tree to foreclose?  
 24 A I don't think so. I don't believe so.

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1 Q Did you ever attempt to arrange a payment  
 2 schedule with Green Tree?  
 3 A No.  
 4 Q Did you ever discuss loan modification  
 5 with Green Tree?  
 6 A No.  
 7 Q Okay. I showed you your motion. Did you  
 8 review Exhibit 1 before it was filed?  
 9 A I don't recall.  
 10 Q You looked at it yesterday?  
 11 A Well, I looked at it yesterday, yes.  
 12 Q And are the statements in Exhibit 1  
 13 truthful and correct?  
 14 A Yes.  
 15 Q If you look at paragraph 22, please. You  
 16 state, "Immediately after debtors stopped paying the  
 17 subject debt, Green Tree began calling them  
 18 requesting payment. Green Tree continued to call  
 19 even after the Debtors advised them of the  
 20 bankruptcy.  
 21 After their bankruptcy discharge, in  
 22 total, Debtors received over one hundred (100) calls  
 23 from a representative of Green Tree by the name of  
 24 'Katie Ferguson'."

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1 My first question is, do you have any  
 2 records, any documentation, notes, recordings of any  
 3 of the calls that you received from Green Tree?  
 4 A Just the phone -- phone records.  
 5 Q Okay. Your phone -- your cell phone  
 6 bills?  
 7 A Yes.  
 8 Q And those bills would show dates when you  
 9 actually had conversations with someone at Green  
 10 Tree?  
 11 A Yes.  
 12 Q And am I correct in understanding that  
 13 those phone records do not show calls from Green  
 14 Tree that did not result in a conversation?  
 15 A Right.  
 16 Q And if Green Tree left a voicemail, that  
 17 also would not be shown in those phone records?  
 18 A Right.  
 19 Q You don't have any notes of any  
 20 conversations with anyone at Green Tree?  
 21 A No.  
 22 Q And you didn't save any of the voicemails?  
 23 A No.  
 24

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1 (J. Modica Exhibit No. 2  
 2 previously marked for identification.)  
 3 BY MR. BLANKENSHIP:  
 4 Q Look at what we've previously marked as  
 5 Modica Exhibit 2. Do you recognize that as your  
 6 responses to Green Tree's interrogatories?  
 7 A Yes.  
 8 Q And did you review Exhibit 2 before it was  
 9 finalized and served to Green Tree?  
 10 A Yes.  
 11 Q And are the answers in Exhibit 2 truthful  
 12 and accurate?  
 13 A Yes.  
 14 Q If you look at No. 6 where we ask you for  
 15 various information about telephone calls that you  
 16 contend violate the discharge order, you state about  
 17 halfway down in your response that, "... Debtors  
 18 state that from late October 2011 to late May 2012,  
 19 they received up to 5 calls per day from Katie  
 20 Ferguson."  
 21 Did you -- I'm trying to distinguish  
 22 between what happened to you and what happened to  
 23 your husband. So did you personally receive between  
 24 one and five calls each day between late

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1 October 2011 and late May 2012?  
2 A Yes.  
3 Q And that was on your cell phone?  
4 A Yes.  
5 Q And your number for that cell phone was  
6 (630)625-2342?  
7 A Yes.  
8 Q Okay. You don't have any records of those  
9 calls, correct?  
10 A There's -- there is a record of a couple  
11 of phone calls, yes.  
12 Q Couple, okay. Do you have any records  
13 that show five calls in a single day?  
14 A No.  
15 Q How many actual phone calls with Green  
16 Tree resulted in a conversation between you and  
17 Green Tree?  
18 A I would -- a handful approximately.  
19 Q Six do you think?  
20 A Between five and six.  
21 Q Five and six. And you don't have a land  
22 line at your house?  
23 A No.  
24 Q Okay. And back to your motion, Exhibit 1,

Page 18

1 paragraph 27 you allege that, "On November 12, 2011,  
2 after Green Tree contacted the Debtors' neighbor,  
3 the Debtors called Katie Ferguson and spoke to her  
4 twice that day."  
5 Was it you that called Katie Ferguson  
6 twice on November 12, 2011?  
7 A Yes.  
8 Q Do you recall any conversations between  
9 you and Green Tree between your discharge and  
10 November 12, 2011?  
11 A When the initial calls started, it was my  
12 husband who spoke with them.  
13 Q Okay. So you didn't have any  
14 conversations with Green Tree prior to November 12,  
15 2011?  
16 A No.  
17 Q And you personally spoke with Ferguson on  
18 November 12, 2011?  
19 A Yes.  
20 Q Did you receive any calls from Green Tree  
21 between the discharge on September 8th and  
22 November 12, 2011, on your cell phone that did not  
23 result in a conversation?  
24 A Yes.

Page 19

1 Q How many?  
2 A Approximately three a day.  
3 Q Okay. And did those calls result in  
4 voicemails?  
5 A A couple, yeah.  
6 Q And what was the content of the  
7 voicemails, the best you can recall?  
8 A She stated her name, where she was calling  
9 from, and that it was very important that we give  
10 her a call back.  
11 Q Anything else?  
12 A Uh-uh.  
13 Q And did you call back in response to any  
14 of those voicemails?  
15 A No.  
16 Q Why not?  
17 A Because my -- we knew -- my husband spoke  
18 with her previously, and when three times a day  
19 calling each of our phones, we just decided not  
20 to -- just to stop answering the phone calls.  
21 Q You didn't call back and say -- to any of  
22 these voicemails and say, "Please stop calling me"?  
23 A My husband did, yes, he did. He spoke  
24 with her on a number of occasions. On

Page 20

1 November 12th, I personally called her back.  
2 Q So you initiated the first call with  
3 Ferguson on November 12, 2011, right?  
4 A Yes.  
5 Q And was anyone else on the line besides  
6 you and Ferguson?  
7 A No.  
8 Q And was anyone else present with you when  
9 you were calling?  
10 A No.  
11 Q Okay. Do you know what time that first  
12 call happened on November 12th?  
13 A It was in the morning.  
14 Q As of November 12, 2011, did you want to  
15 avoid foreclosure on your house?  
16 A Did I want to . . .  
17 Q Did you want to stay in your house?  
18 A Yes.  
19 Q How long did that first call on  
20 November 12th last?  
21 A Two minutes.  
22 Q Okay. And why did you call Ferguson?  
23 A My neighbor advised me the night before  
24 that she had called and left a message on her



Page 21

1 answering machine, and I just wanted to clarify why  
2 they were calling my neighbor.  
3 Q Okay. Tell me as best you can during that  
4 first call on November 12th, the two-minute call,  
5 what you said to Ferguson and what she said to you.  
6 A Well, I asked her originally why she  
7 called my neighbor, and she said, well, we're trying  
8 to get ahold of you. And I didn't understand. You  
9 know, I tried to explain to her the best I could  
10 that I didn't understand how she was calling a  
11 neighbor that they didn't know whether I had contact  
12 with or not.  
13 Q Okay. Do you recall anything else from  
14 that first conversation?  
15 A Uh-uh.  
16 Q Did Ms. Ferguson reply to you when you  
17 explained that?  
18 A Yeah. She said that they were just trying  
19 to get ahold of us, and it was very important.  
20 Q And how did that call end?  
21 A We just hung up. She said that they're  
22 allowed to call whoever they need to call in order  
23 to get ahold of the person they're trying to reach,  
24 which would be my husband.

Page 22

1 Q Okay. So you had no substantive  
2 conversation about the loan itself --  
3 A No.  
4 Q -- during this call? And did you talk  
5 about your bankruptcy at all during this call?  
6 A No.  
7 Q Was it purely to ask why they were calling  
8 your neighbor?  
9 A Yes.  
10 Q Did the call end hostilely?  
11 A I wouldn't say hostilely. I just wanted  
12 an explanation of why they were calling people in my  
13 neighborhood trying to get ahold of me.  
14 Q Did you hang up on Ferguson?  
15 A No, I did not hang up on her.  
16 Q Did she hang up on you?  
17 A No.  
18 Q It just ended peacefully?  
19 A (Indicating.)  
20 Q Okay. And you don't have any notes or  
21 recordings or records of the contents of that first  
22 call with Ferguson?  
23 A I don't have -- no, no, I don't.  
24 Q Okay. And did you initiate the second

Page 23

1 call on November 12, 2011, to Ferguson?  
2 A Yes.  
3 Q And was anyone else on the line for that  
4 call?  
5 A No.  
6 Q And was anyone else present for that call?  
7 A No.  
8 Q And what time was that call?  
9 A In the morning also.  
10 Q How long after the first call?  
11 A About 20 minutes or so.  
12 Q And how long did the second call last?  
13 A Nine minutes.  
14 Q How do you know that? Is that from your  
15 phone records?  
16 A It's from my phone records, yes.  
17 Q But your phone records show an outgoing  
18 call from you to Green Tree?  
19 A Yes, yes.  
20 Q What was the purpose of the second call?  
21 Why did you call the second time?  
22 A Because I was advised again that she had  
23 called my neighbor again on November 12th.  
24 Q Okay. So after the first call you were

Page 24

1 advised again?  
2 A Again that she had called again and left a  
3 message on my neighbor's answering machine.  
4 Q And was this -- okay. Who called to tell  
5 you that? Who told you that?  
6 A My neighbor. My neighbor.  
7 Q And when was that second -- this was a  
8 second voicemail that was left for the neighbor?  
9 A On the land line -- on the answering  
10 machine of her home, yes.  
11 Q Okay. And when was that message left with  
12 your neighbor, the second one?  
13 A On the 12th.  
14 Q Did you have an understanding that that  
15 voicemail on your neighbor's machine was left after  
16 you had called Ferguson the first time?  
17 A Yes, it was -- I think it was made after I  
18 called her the first time.  
19 Q So sometime in that 20 minutes after --  
20 A Yes.  
21 Q -- you think Ferguson called your neighbor  
22 again and left a voicemail?  
23 A Uh-huh. Because my neighbor called me and  
24 said there is another message on my answering



Page 25

1 machine.  
2 Q Okay. Again, tell me as best you can  
3 everything you said to Ferguson and she said to you  
4 during this second call on November 12th.  
5 A Pretty much the same thing, just wondering  
6 why she was calling my neighbor asking for  
7 information in regards to any of my personal things  
8 that I didn't, you know, talk about with anybody  
9 else so . . .  
10 Q What did you understand to be was the  
11 voicemail that was left for your neighbor, simply  
12 please have Jeff Modica call me?  
13 A Yeah. It's very important that you have  
14 Jeff call me. But I just wanted -- I didn't  
15 understand how they would call that one neighbor to  
16 try to get ahold of us not knowing whether we even  
17 had contact with them or not.  
18 Q Okay. Did you understand that Green Tree  
19 was calling your neighbor to try to contact Jeff  
20 because Jeff and you weren't returning the  
21 voicemails to Green Tree?  
22 A Possibly.  
23 Q During either of the calls on  
24 November 12th, did you tell Green Tree that you

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1 wanted to stay in your house --  
2 A No.  
3 Q -- or words to that effect?  
4 A No.  
5 Q During either of the phone calls on  
6 November 12th, did you tell Green Tree that a  
7 payment would be made on your loan?  
8 A No.  
9 Q Do you recall anything else from the  
10 second conversation on November 12, 2011?  
11 A No.  
12 Q And you don't have any notes, recordings,  
13 or records of that second call?  
14 A No.  
15 Q Did you have occasion to speak again with  
16 a representative of Green Tree?  
17 A I did not, no.  
18 Q Did you continue to receive voicemails  
19 from Green Tree?  
20 A Yes.  
21 Q And you just -- when you would get a call  
22 from Green Tree, would you just -- I forgot the word  
23 your husband used.  
24 MR. BADWAN: Bounce.

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1 BY MR. BLANKENSHIP:  
2 Q Bounce the call?  
3 A Bounce, yes.  
4 Q You just wouldn't accept the call?  
5 A Yes.  
6 Q So you've only had one -- or two  
7 conversations with Green Tree both that occurred on  
8 November 12, 2011?  
9 A Yes.  
10 Q And both of those were with regard to  
11 Green Tree leaving a voicemail with your  
12 neighborhood --  
13 A Yes.  
14 Q -- neighbor? I'm sorry.  
15 A Yes.  
16 Q When did you last receive a call from  
17 Green Tree?  
18 A On my phone or --  
19 Q Yes. Your phone, yes.  
20 A November 12th -- or the last call that I  
21 received that I did not answer?  
22 Q Right. Not a conversation, but just the  
23 last time Green Tree called you.  
24 A I would say April of 2011 -- 12th, I'm

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1 sorry. 2012.  
2 Q He made the same mistake.  
3 A I'm sorry. I'm sorry. 2012.  
4 Q No, that's okay. We made the same mistake  
5 earlier today.  
6 A Okay. Okay. Yeah, 2012.  
7 Q So between November 12, 2011, and  
8 April 2012 you continued to receive --  
9 A Yes.  
10 Q -- voicemails from Ms. Ferguson?  
11 A Yes.  
12 Q And were those again on a daily basis?  
13 A Yes.  
14 Q Sometimes multiple times a day?  
15 A Yes.  
16 Q And you didn't return any of those  
17 voicemails?  
18 A No.  
19 Q And did you ask your husband to return any  
20 of those voicemails?  
21 A No.  
22 Q If you look at paragraph 30, this  
23 paragraph refers to a conversation with Ferguson on  
24 December 20, 2011. That was your husband that had

Page 29	Page 31
<p>1 that conversation, correct?</p> <p>2 A Yes.</p> <p>3 Q And you didn't overhear that conversation?</p> <p>4 A No.</p> <p>5 Q Do you know anything that was said during</p> <p>6 that conversation?</p> <p>7 A Just from what he explained to me.</p> <p>8 Q What did your husband explain to you about</p> <p>9 the call that he had with Green Tree on December 20,</p> <p>10 2011?</p> <p>11 A That Katie Ferguson asked for a payment,</p> <p>12 any type of payment. And my husband, while he was</p> <p>13 talking to her, she had put her supervisor on the</p> <p>14 line, and then my husband spoke with her supervisor.</p> <p>15 Q Okay. Do you recall anything else your</p> <p>16 husband told you about that conversation?</p> <p>17 A Regarding -- the supervisor, he had said</p> <p>18 if you have filed for bankruptcy, how come you are</p> <p>19 unable to pay the loan?</p> <p>20 Q Do you recall anything else?</p> <p>21 A No.</p> <p>22 Q What was your husband's demeanor after he</p> <p>23 got off the --</p> <p>24 A Upset.</p>	<p>1 them prior, but just having somebody call you three</p> <p>2 times a day is overwhelming.</p> <p>3 Q But not enough for you to call back and</p> <p>4 say why are you calling me three times a day?</p> <p>5 A After a while, you just -- you know, it's</p> <p>6 very -- it's just overwhelming. At a certain point,</p> <p>7 it just becomes overwhelming to have to answer three</p> <p>8 phone calls every single day from the same person.</p> <p>9 Q But you didn't answer any of the calls.</p> <p>10 You would always bounce them, right?</p> <p>11 A Well, yes, I would.</p> <p>12 Q And just so I'm clear, this was on your</p> <p>13 cell phone, so you always knew when it was ringing.</p> <p>14 It's not like you were not home and then got home to</p> <p>15 a voicemail. You knew the call was coming --</p> <p>16 A Yes.</p> <p>17 Q -- and you chose to ignore it?</p> <p>18 A Yes.</p> <p>19 Q Okay. In paragraph 25 you allege that</p> <p>20 Ms. Ferguson called both of the debtors' parents</p> <p>21 inquiring about the debtors? And who are your</p> <p>22 parents?</p> <p>23 A Halina Kuzianik.</p> <p>24 Q And who are your husband's parents?</p>
Page 30	Page 32
<p>1 Q Describe to me how you concluded that he</p> <p>2 was upset.</p> <p>3 A A lot of things going on and then having</p> <p>4 somebody insult you pretty much.</p> <p>5 Q I'm trying to get -- how did his -- how he</p> <p>6 manifest the fact that he was upset?</p> <p>7 A He told me he was very upset.</p> <p>8 Q Okay. That's what I was looking for.</p> <p>9 A Okay.</p> <p>10 Q How long did he remain upset?</p> <p>11 A Until the next morning.</p> <p>12 Q Did you have any discussions at that time</p> <p>13 about what you should do in response to Green Tree's</p> <p>14 calls?</p> <p>15 A Yes, we did.</p> <p>16 Q What?</p> <p>17 A Just -- you know, we didn't know what to</p> <p>18 do. It was just a lot going on at one time, and</p> <p>19 then having, you know, that hang over your head that</p> <p>20 somebody would call you three times a day to</p> <p>21 collect, you know, it just was very upsetting to us.</p> <p>22 Q Well, you didn't really know why they were</p> <p>23 calling since you didn't return the calls, right?</p> <p>24 A Well, my husband had conversations with</p>	<p>1 A Margaret Pangallo.</p> <p>2 Q How do you know that Green Tree called</p> <p>3 Margaret Pangallo?</p> <p>4 A She wrote down every time that they called</p> <p>5 and let us know with the name, the institution, and</p> <p>6 the phone number.</p> <p>7 Q And did she tell you or do you only know</p> <p>8 because she told Jeff?</p> <p>9 A She told Jeff.</p> <p>10 Q Okay.</p> <p>11 A Yes.</p> <p>12 Q So you haven't had any conversations with</p> <p>13 Margaret Pangallo about the calls from Green Tree to</p> <p>14 her?</p> <p>15 A No.</p> <p>16 Q You only know about those calls from what</p> <p>17 Jeff told you?</p> <p>18 A Uh-huh.</p> <p>19 Q And what he told you is that she would</p> <p>20 write -- she wrote down that Green Tree had called</p> <p>21 and wanted him to call her back?</p> <p>22 A Yes.</p> <p>23 Q How many times did you understand Green</p> <p>24 Tree to have called Margaret Pangallo?</p>

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1 A At least twice.  
 2 Q Do you know if Jeff called Green Tree back  
 3 in response to the messages left with Margaret  
 4 Pangallo?  
 5 A I don't know.  
 6 Q And how do you know Green Tree called  
 7 Halina?  
 8 A My mom told me, yes.  
 9 Q How many times did Green Tree call your  
 10 mom?  
 11 A At least twice.  
 12 Q Do you know when those calls were?  
 13 A I'm not exactly sure.  
 14 Q Were they before your call with Green Tree  
 15 on November 12, 2011?  
 16 A I think it might have been after.  
 17 Q Okay. And what did Halina tell you  
 18 that -- did she actually speak with someone from  
 19 Green Tree --  
 20 A Yes.  
 21 Q -- or did she just receive voicemails?  
 22 A Yes.  
 23 Q She spoke with them?  
 24 A Uh-huh.

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1 Q And what did Halina tell you Green Tree  
 2 had said during her conversations with Green Tree?  
 3 A That again stated the name; that they were  
 4 calling from Green Tree; and that it was very  
 5 important they get ahold of one of us.  
 6 Q And you didn't call Green Tree in response  
 7 to any of the conversations your mother had with  
 8 Green Tree, correct?  
 9 A No.  
 10 Q And your husband didn't either, correct?  
 11 A No.  
 12 Q Did you have any discussion with your  
 13 mother about the calls from Green Tree?  
 14 A Yes.  
 15 Q What?  
 16 A She just wanted to know who they were and  
 17 why they were calling her.  
 18 Q And what did you tell her?  
 19 A I just said it's our mortgage, and they're  
 20 just calling to get ahold of us.  
 21 Q Okay. Did you tell her you weren't  
 22 current on your mortgage?  
 23 A No.  
 24 Q Did your parents know about the

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1 bankruptcy?  
 2 A No.  
 3 Q Did Jeff's parents know about the  
 4 bankruptcy?  
 5 A No.  
 6 Q Did Jeff's parents know that you weren't  
 7 current on your mortgage?  
 8 A No.  
 9 Q Have you seen any documents -- you  
 10 indicated that Margaret Pangallo would write down  
 11 who called. Have you actually seen any documents  
 12 that she -- where she wrote down the calls?  
 13 A At the time of the calls, yes.  
 14 Q Okay. Do those documents still exist?  
 15 A I don't have them.  
 16 Q Do you know if they still exist?  
 17 A I don't.  
 18 Q Okay. And did your mother make any  
 19 recordings of --  
 20 A Just the name and the phone number, yes.  
 21 Q And did she give that to you, those notes  
 22 to you?  
 23 A I'm not sure.  
 24 Q Okay. So you don't know if those notes

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1 still exist either, then?  
 2 A No, I don't.  
 3 Q Okay. Now, going back to November 12 --  
 4 is it November 12th?  
 5 A Yeah.  
 6 Q Yeah. -- when Green Tree called your  
 7 neighbor, that was Donna Birmingham?  
 8 A Yes.  
 9 Q And do you know when the first call Green  
 10 Tree made to Donna Birmingham was?  
 11 A I believe it was the day before -- it was  
 12 November 11th.  
 13 Q November 11th. And the second call to  
 14 Birmingham was on November --  
 15 A -- 12th.  
 16 Q Okay. Did Birmingham actually speak with  
 17 a representative of Green Tree or were those  
 18 voicemails?  
 19 A They were just on her answering machine.  
 20 Q And she told you again that someone  
 21 identified themselves as calling from Green Tree.  
 22 They were trying to get ahold of Jeff and wanted  
 23 Jeff to call them back?  
 24 A Yes.

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<p>1 Q And left a phone number?</p> <p>2 A Yes.</p> <p>3 Q Anything else?</p> <p>4 A No.</p> <p>5 Q Do you know if Birmingham took any notes</p> <p>6 or made any records?</p> <p>7 A I don't. I don't.</p> <p>8 Q You're not aware of any notes?</p> <p>9 A No.</p> <p>10 Q Did you have any discussions with</p> <p>11 Birmingham about the calls from Green Tree?</p> <p>12 A No.</p> <p>13 Q Are you aware of any other calls that</p> <p>14 Green Tree made to anyone other than you, Jeff,</p> <p>15 Birmingham, your mom, or Jeff's mom?</p> <p>16 A No.</p> <p>17 Q Okay. In paragraph 35 of Exhibit 1, you</p> <p>18 allege that a representative of Green Tree sent a</p> <p>19 large intimidating man to visit debtors at the</p> <p>20 property. Were you there for that visit?</p> <p>21 A Yes.</p> <p>22 Q When did that happen?</p> <p>23 A March of 2012.</p> <p>24 Q Do you remember the day?</p>	<p>1 brown hair.</p> <p>2 Q How tall?</p> <p>3 A Six-one. He was pretty tall.</p> <p>4 Q How heavy?</p> <p>5 A Oh, I'm so bad with weight. 220 pounds.</p> <p>6 Q Okay. And what was his race?</p> <p>7 A White.</p> <p>8 Q White.</p> <p>9 A He was white.</p> <p>10 Q And he asked if Jeff was home?</p> <p>11 A Yes.</p> <p>12 Q And you said no?</p> <p>13 A Right.</p> <p>14 Q And handed you something?</p> <p>15 A Uh-huh.</p> <p>16 Q And said when Jeff gets home, have him</p> <p>17 call me. It's very important?</p> <p>18 A Uh-huh.</p> <p>19 Q And then he left?</p> <p>20 A Uh-huh.</p> <p>21 Q What did he hand you?</p> <p>22 A A piece of paper.</p> <p>23 Q Do you know what that paper was?</p> <p>24 A I can't recall what it said on it, but</p>
Page 38	Page 40
<p>1 A I don't. I know --</p> <p>2 Q Do you remember early or late March?</p> <p>3 A Early March.</p> <p>4 Q First half of March?</p> <p>5 A Yeah.</p> <p>6 Q And what time of day?</p> <p>7 A Mid-morning.</p> <p>8 Q Like 10 o'clock?</p> <p>9 A Like 11 o'clock-ish, yeah.</p> <p>10 Q And I want you to walk me through what</p> <p>11 happened.</p> <p>12 A Okay. I was in the living room, sitting</p> <p>13 watching TV with my kids, and I saw a pickup truck</p> <p>14 pull into my driveway. So I kept doing what I was</p> <p>15 doing, and then there was -- my doorbell rang, so I</p> <p>16 opened the door, and there was a man standing at the</p> <p>17 door. And he said, "Is Jeffrey home?" I said, "No,</p> <p>18 he's not." He said -- he handed me something and</p> <p>19 said, "This is" -- he gave me a piece of paper and</p> <p>20 said, "When Jeff gets home, you make sure that he</p> <p>21 calls me right away. It's very important." And I</p> <p>22 said, "Okay." And that was it. He left.</p> <p>23 Q Okay. Can you describe the man?</p> <p>24 A Tall, heavier set. He had like a goatee,</p>	<p>1 there was a Green Tree logo on it. It did have my</p> <p>2 husband's name on it and a phone number.</p> <p>3 Q What did you do in response to that?</p> <p>4 A Well, closed the door, and then I called</p> <p>5 my husband and let him know that somebody was here</p> <p>6 looking for him.</p> <p>7 Q And what did he say?</p> <p>8 A Well, he said we'd talk about it when he</p> <p>9 got home from work. He was at work.</p> <p>10 Q And did you talk about it when he got home</p> <p>11 from work?</p> <p>12 A Yes.</p> <p>13 Q What did you talk about it?</p> <p>14 A I just let him know that a man came to the</p> <p>15 house, and I showed him the letter, and that was it.</p> <p>16 Q Do you know if your husband did anything</p> <p>17 in response to getting that letter?</p> <p>18 A I don't.</p> <p>19 Q And you didn't do anything --</p> <p>20 A No.</p> <p>21 Q -- in response to this visit from Green</p> <p>22 Tree?</p> <p>23 A Uh-huh.</p> <p>24 Q You allege that he was intimidating. How</p>

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1 was he intimidating?  
2 A I guess tone of his voice.  
3 Q What was there about the tone of his voice  
4 that you found intimidating?  
5 A I would say harsh.  
6 Q Was he yelling?  
7 A No.  
8 Q And you didn't make any notes or records  
9 of that visit by this man?  
10 A Not -- no.  
11 Q Did your children see this man?  
12 A Yes.  
13 Q How did that happen?  
14 A They were in the living room with me, and  
15 then when I opened the door, they both -- I was  
16 holding my younger one. He was still a baby, and  
17 then my other one was by my side.  
18 Q How old was he?  
19 A Three.  
20 Q The man didn't threaten you in any way,  
21 though?  
22 A No.  
23 Q What damages have you personally incurred  
24 as a result of Green Tree's phone calls which you

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1 contend violate the discharge order?  
2 A It's very upsetting and having to explain  
3 your situation to my parents and my neighbor. Just  
4 a lot was going on at the time and just very  
5 upsetting. Very upsetting.  
6 Q I thought you said you didn't actually  
7 explain anything to your parents?  
8 A Well, they were asking why they were  
9 receiving phone calls from somebody that we were  
10 dealing with.  
11 Q And what did you tell them?  
12 A Just that we had some -- you know, some  
13 stuff to straighten out. We never revealed what was  
14 going on in our personal life.  
15 Q And I thought the neighbor you didn't tell  
16 anything?  
17 A No. We didn't tell her anything. We  
18 didn't tell her anything regarding our financial  
19 situation or anything like that. Just she was  
20 curious as to why people were calling her looking  
21 for us.  
22 Q You haven't sought any counseling or  
23 medical assistance to deal with the emotional  
24 ramifications of these calls from Green Tree?

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1 A No.  
2 Q Did you experience stress as a result of  
3 the fear of losing your house?  
4 A Yes.  
5 Q How significant was that stress to you?  
6 A Significant.  
7 Q You never called Green Tree to talk about  
8 ways to avoid losing your house, correct?  
9 A No.  
10 Q Why not?  
11 A I don't know. There was, like I said, a  
12 lot going on besides receiving multiple phone calls  
13 on a daily basis.  
14 Q Just so I'm clear, you didn't answer any  
15 of those multiple phone calls you received on a  
16 daily basis, right?  
17 A No.  
18 Q And you didn't return any calls in  
19 response to any of the voicemails left to you  
20 multiple times on a daily basis?  
21 A No.  
22 Q Even though those calls were very  
23 upsetting to you?  
24 A Right.

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1 Q You made no effort to contact Green Tree  
2 to tell them to stop calling you, right?  
3 A Right.  
4 MR. BLANKENSHIP: I don't have any other  
5 questions.  
6 MR. BADWAN: Very briefly.  
7 CROSS-EXAMINATION  
8 BY MR. BADWAN:  
9 Q When you got married to Jeff, he  
10 already -- was he already living in the home?  
11 A Yes.  
12 Q And he obtained the loan for the home, was  
13 it before you guys got together so --  
14 A We weren't married when he obtained the  
15 loan for the house.  
16 Q So he signed for the loan alone --  
17 A Yes.  
18 Q -- for the first and the second mortgage?  
19 A Yes.  
20 Q Now, did you ever give Green Tree your  
21 number?  
22 A No.  
23 Q Did you ever tell Green Tree that you  
24 filed bankruptcy?



<p style="text-align: right;">Page 45</p> <p>1 A Yes.</p> <p>2 Q Did they -- did they ever tell you you</p> <p>3 need to make a payment?</p> <p>4 A Yes.</p> <p>5 Q And who told you that?</p> <p>6 A Katie Ferguson when she spoke with my</p> <p>7 husband on that December date.</p> <p>8 Q Okay. But did they ever tell you?</p> <p>9 A No.</p> <p>10 Q Okay. When they -- so you never gave them</p> <p>11 your number. Did you ever ask them how they got</p> <p>12 your number?</p> <p>13 A No, I never asked.</p> <p>14 Q And you testified that you never told them</p> <p>15 you have an intent to stay in the home when you</p> <p>16 talked to Katie Ferguson on November 12th?</p> <p>17 A Right.</p> <p>18 Q You simply just told her -- asked her why</p> <p>19 she was calling your neighbor?</p> <p>20 A Yes.</p> <p>21 Q And she responded -- what was her response</p> <p>22 again?</p> <p>23 A That they were just trying to get ahold of</p> <p>24 us because it was very important.</p>	<p style="text-align: right;">Page 47</p> <p>1 Q Were you embarrassed?</p> <p>2 A Yeah, very.</p> <p>3 Q Did you feel like your privacy was</p> <p>4 invaded?</p> <p>5 A Yes, definitely.</p> <p>6 Q Did your call with Katie Ferguson, was</p> <p>7 there a sense of urgency in the sense that did she</p> <p>8 say this is very important. Your husband needs to</p> <p>9 call us immediately?</p> <p>10 A Yes.</p> <p>11 Q Were you receiving mail from Green Tree at</p> <p>12 the time this was all happening?</p> <p>13 A Yes, I was.</p> <p>14 Q And could you please describe the contents</p> <p>15 if you opened -- I don't know if -- they were</p> <p>16 probably addressed to your husband, but did you ever</p> <p>17 read any of those mailings?</p> <p>18 A Yes. They were statements.</p> <p>19 Q Are you still in possession of those?</p> <p>20 A Yes.</p> <p>21 MR. BADWAN: Okay. We'll produce those.</p> <p>22 BY MR. BADWAN:</p> <p>23 Q Now, they were calling you and your</p> <p>24 husband three to five times a day every single day?</p>
<p style="text-align: right;">Page 46</p> <p>1 Q Did she tell you she was from Green Tree?</p> <p>2 A Yes.</p> <p>3 Q Did she tell you the status of the loan,</p> <p>4 whether it was late or anything like that?</p> <p>5 A No.</p> <p>6 Q And she called -- you testified earlier</p> <p>7 she called your neighbor twice, correct?</p> <p>8 A Twice.</p> <p>9 Q And both times she left voicemails?</p> <p>10 A Yes.</p> <p>11 Q So the first time -- how did you find out</p> <p>12 that they called your neighbor the first time?</p> <p>13 A My neighbor called me and said that she</p> <p>14 stated the name, the institution, and the phone</p> <p>15 number.</p> <p>16 Q Okay. How about the second time?</p> <p>17 A Same.</p> <p>18 Q How did that make you feel?</p> <p>19 A Embarrassed.</p> <p>20 Q Did your neighbor ever ask you, "Do you</p> <p>21 owe people money?"</p> <p>22 A Yes.</p> <p>23 Q How did you respond?</p> <p>24 A I tried to just change the subject.</p>	<p style="text-align: right;">Page 48</p> <p>1 A Every single day.</p> <p>2 Q Including weekends?</p> <p>3 A Yes.</p> <p>4 Q Did that affect your marriage in any way?</p> <p>5 A Yes, it did.</p> <p>6 Q Please elaborate on that.</p> <p>7 A Well, very stressful, a lot of sleepless</p> <p>8 nights. We fought a lot because we were pretty much</p> <p>9 at wit's end. We didn't know what to do. So both</p> <p>10 of our hostilities -- we were arguing a lot.</p> <p>11 Q Was it a constant reminder almost --</p> <p>12 A Pretty much every day.</p> <p>13 Q -- of what's going on?</p> <p>14 A Yeah.</p> <p>15 Q Now, you testified earlier that you didn't</p> <p>16 call them back and say stop calling. Is it because</p> <p>17 you knew why they were calling?</p> <p>18 MR. BLANKENSHIP: Object to the form of</p> <p>19 the question.</p> <p>20 BY MR. BADWAN:</p> <p>21 Q Why did you not call them back?</p> <p>22 A Because -- you know, well, my husband</p> <p>23 spoke with them. It was the same repetitive thing</p> <p>24 every day, so I didn't want to call back and hear it</p>

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1 over and over and over again.  
2 Q Now, when they called your mother --  
3 A Uh-huh.  
4 Q -- how did your mother contact you and let  
5 you know they called?  
6 A She called me and said, again, this -- she  
7 stated the name, where they were calling from, and  
8 the phone number they left.  
9 Q When did Green Tree start calling you?  
10 A Right after we stopped paying.  
11 Q And you only had -- was it one  
12 conversation you testified to with Katie Ferguson,  
13 and that was on November 12th after they called your  
14 neighbor twice?  
15 A Yeah, the two-minute phone call and the  
16 nine-minute phone call.  
17 Q Did you ever at one point realize they  
18 shouldn't be calling you?  
19 A Yes, I did.  
20 Q And when was that?  
21 A When they were -- we -- my husband advised  
22 them that we had filed for bankruptcy so . . .  
23 Q Did you have to tell your parents about  
24 your bankruptcy filing?

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1 A I did.  
2 Q And was it the same day that your mom  
3 called you and advised you that they called?  
4 A It was the second time.  
5 Q How did that make you feel?  
6 A Embarrassed.  
7 Q Invasion of privacy?  
8 A Yes.  
9 Q Did you ever give Green Tree your mother's  
10 number?  
11 A No.  
12 Q Did your husband ever give them her  
13 number?  
14 A No.  
15 Q Did your husband ever give Green Tree, to  
16 the best of your knowledge, your neighbor's number?  
17 A No.  
18 Q Did your husband ever give them his  
19 mother's number?  
20 A No.  
21 Q All right. You testified that a man,  
22 about six-one, Caucasian male, about 220 pounds came  
23 to your house. What kind of vehicle did he approach  
24 in?

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1 A It was a tan pickup.  
2 Q And where did he park it?  
3 A Right in my driveway.  
4 Q And did he ring the doorbell?  
5 A Yeah, he rang my doorbell. He rang my  
6 doorbell.  
7 Q How many times?  
8 A Twice.  
9 Q And you stated that you were there with  
10 your children --  
11 A Yes.  
12 Q -- at that point?  
13 A Uh-huh.  
14 Q The two younger ones or was it all three?  
15 A It was just the two younger ones.  
16 Q Okay. And when you went to the door, who  
17 went with you to the door?  
18 A My kids.  
19 Q Both of them?  
20 A Yeah.  
21 Q Were you carrying one?  
22 A Yes.  
23 Q Did it startle your kids?  
24 A A little bit, yeah.

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1 Q Did they ask who this man was?  
2 A My older one did.  
3 Q How old was he at the time approximately?  
4 A Three.  
5 Q And how did you respond?  
6 A I just said, "Oh, it's somebody for  
7 Daddy," because I didn't want to elaborate to my  
8 three-year old son who was at our door.  
9 Q Did he say he was from Green Tree? I know  
10 you testified that he gave you a document that had a  
11 Green Tree logo. Did he say --  
12 A He didn't state his name or say he was  
13 from Green Tree, but when he handed me the paper, I  
14 saw the Green Tree logo on the top of it so . . .  
15 Q Did you see him inspecting the house in  
16 any way to see if you guys were still living there?  
17 A Well, when I had my door opened, he was in  
18 view of the inside of my house.  
19 Q Okay. How long would you say your  
20 interaction with this man lasted for?  
21 A Three minutes.  
22 Q What was going through your head at this  
23 point?  
24 A Just wondering why there was somebody at



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1 my door to drop off a paper. Kind of shocked that  
2 somebody would come to my house to drop off a paper.  
3 Q Did it make you feel like you were losing  
4 your house?  
5 MR. BLANKENSHIP: Object to the form of  
6 the question.  
7 BY MR. BADWAN:  
8 Q Was the foreclosure filed at this point;  
9 can you recall?  
10 A No. I don't recall. I don't think so.  
11 Q Okay. That's fine. If you don't know --  
12 A I'm not sure.  
13 Q That's fine. You're not sure?  
14 A No, I'm not sure.  
15 Q Okay. By this man -- what message did you  
16 take in by this man coming? I mean, what was going  
17 through your head? Tell us.  
18 A I guess aggressive because to send  
19 somebody to my house and then to drop off a paper  
20 and tell me you better have your husband call when  
21 he gets home is kind of -- to me it felt very  
22 aggressive.  
23 Q Did it make you feel that you need to move  
24 soon?

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1 MR. BLANKENSHIP: Object to the form of  
2 the question.  
3 BY MR. BADWAN:  
4 Q Answer the question.  
5 A Yes.  
6 Q Did you and your husband start -- did you  
7 guys start talking about moving out after this man  
8 came?  
9 A Yeah.  
10 Q To the best of your knowledge, did Jeff  
11 have to tell his mother why they were receiving the  
12 calls?  
13 A Yes.  
14 Q Why you guys were -- why his mother was  
15 receiving calls?  
16 A Yes.  
17 Q Did he, to the best of your knowledge,  
18 have to tell his mom about the bankruptcy?  
19 MR. BLANKENSHIP: Well, objection,  
20 speculation.  
21 BY MR. BADWAN:  
22 Q Did he ever tell you that he had told his  
23 mom he had filed bankruptcy?  
24 A Yes.

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1 Q Did he tell you it was a direct cause of  
2 the calls?  
3 A Yes.  
4 Q Outside the call on November 12th, you  
5 never had a call with Katie Ferguson, an actual  
6 conversation, correct?  
7 A No.  
8 Q But she would leave voicemails?  
9 A Yes.  
10 Q And would it be Katie Ferguson every  
11 single time?  
12 A Yes.  
13 Q Now, let's talk about the long  
14 conversation that your husband had with Katie  
15 Ferguson on approximately December 20, 2011. Were  
16 you home that day?  
17 A Yes.  
18 Q And can you approximate what time that  
19 was?  
20 A Late afternoon.  
21 Q Okay. What were you doing when this --  
22 were you -- did you see him have this conversation  
23 or did he just tell you about it?  
24 A No, I saw him have the conversation.

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1 Q Where were you guys located in your house?  
2 A He was in the bedroom, and I was in the  
3 laundry room doing laundry.  
4 Q Could you hear the conversation?  
5 A Yes.  
6 Q Tell us about his tone or his demeanor  
7 while he was having this conversation.  
8 A I guess upset for sure and irritated.  
9 Q How long did this conversation last for,  
10 if you can approximate? I know it was two years  
11 ago.  
12 A About an hour.  
13 Q What happened when he got off the phone?  
14 A He was very upset.  
15 Q What did he tell you?  
16 A Just that he couldn't believe that, you  
17 know, this was happening, and that he was on the  
18 phone with them for an hour just explaining  
19 everything and them asking for a payment, any kind  
20 of payment, when he tried -- you know, he explained  
21 to them.  
22 And then when the supervisor bluntly told  
23 him if you filed bankruptcy, how come you don't have  
24 money to pay back the debt?

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1 Q Did he tell you or did you -- I'll  
2 start -- did you hear any of the conversation? Was  
3 the word "loan modification" ever --  
4 MR. BLANKENSHIP: Object to the form.  
5 BY MR. BADWAN:  
6 Q Did you hear your husband say the word  
7 "loan modification"?  
8 A No.  
9 Q After he got off the phone, did he say  
10 that -- did you guys discuss loan modification and  
11 start making payments to Green Tree?  
12 A No.  
13 Q Did you hear your husband say, "We filed  
14 bankruptcy"?  
15 A Yes.  
16 Q You heard it personally; it's not like he  
17 told you?  
18 A Yes.  
19 Q Did they -- okay. Just describe one last  
20 time the overall effect of these phone calls, the  
21 large intimidating man. If you had to summarize how  
22 it made you feel and how it affected you and your  
23 life, in a nutshell, how would you describe it using  
24 adjectives?

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1 A Scared, intimidated, stressed,  
2 overwhelmed.  
3 Q And you testified that you received a loan  
4 modification on the first mortgage, correct?  
5 A Yes.  
6 Q And were they calling you?  
7 A No.  
8 Q And were you in default?  
9 A Yes.  
10 Q So you weren't making payments on either  
11 mortgage, but the first mortgage wasn't calling you  
12 but Green Tree was?  
13 A Right.  
14 Q Did you ever speak to a representative  
15 with Bayview, which I believe is the servicer that  
16 gave the loan modification?  
17 A My husband did.  
18 Q But they never called you?  
19 A No.  
20 Q They never called your mother?  
21 A No.  
22 Q They never called your neighbor?  
23 A Uh-uh.  
24 Q They never called Jeff's mother?

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1 A No.  
2 MR. BADWAN: I have no further questions.  
3 REDIRECT EXAMINATION  
4 BY MR. BLANKENSHIP:  
5 Q What was scary about a voicemail that  
6 asked you to call them?  
7 A Because it was every single day and just  
8 the sense of urgency. It was scary to me. We had a  
9 lot of stuff going on at the time, not only worrying  
10 about my kids, worrying about everyday life. And  
11 then I had, on top of all that, to deal with three  
12 phone calls a day and a voicemail left every single,  
13 you know, time.  
14 Q But you weren't scared enough to return  
15 any of the voicemails?  
16 A No.  
17 Q And you weren't scared enough to consult  
18 an attorney, consult your bankruptcy attorney,  
19 correct?  
20 A No.  
21 Q And you weren't scared enough to tell your  
22 husband to call Green Tree to get them to stop  
23 making calls, right?  
24 A Not that I recall, no.

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1 Q Did the stress of possibly losing your  
2 house affect your marriage?  
3 A Yes.  
4 Q Did the stress of losing your house affect  
5 your marriage more than the voicemails left by Green  
6 Tree?  
7 A No.  
8 Q You equate -- was the stress caused by the  
9 calls from Green Tree greater than the stress of  
10 possibly losing your house?  
11 A Yes.  
12 Q But still you didn't call Green Tree --  
13 A No.  
14 Q -- to tell them to stop?  
15 You never personally told Green Tree that  
16 you had filed for bankruptcy, right?  
17 A Personally, no.  
18 Q And Green Tree never personally asked you  
19 to make a payment, right?  
20 A No.  
21 Q When your husband was on the phone call  
22 with Green Tree on December 20th for approximately  
23 an hour, what did you understand them to be talking  
24 about for that long a period of time?

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1 A Well, I understood that they were asking  
 2 for a payment from my --  
 3 Q Okay. That takes a couple seconds. That  
 4 doesn't take an hour. What was going on during that  
 5 hour?  
 6 A I don't know the content of the call.  
 7 MR. BADWAN: Calls for speculation. I  
 8 object.  
 9 A I don't know.  
 10 BY MR. BLANKENSHIP:  
 11 Q What did you hear? What did you hear your  
 12 husband say during that hour on the phone call?  
 13 A He just was explaining that -- about that  
 14 we didn't -- just having to explain to somebody  
 15 about, you know, if you filed for bankruptcy, how do  
 16 you not have the money? That's embarrassing. And  
 17 my husband wanted to clarify that that was out of  
 18 line on their part to ask something like that.  
 19 Q Okay. Again, I don't see how that can  
 20 take an hour. What else did you hear him say during  
 21 that hour?  
 22 MR. BADWAN: Objection. She was not a  
 23 party to the conversation. All she could hear is  
 24 what her husband was saying.

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1 BY MR. BLANKENSHIP:  
 2 Q Yeah. That's what I want to know. What  
 3 did he say for an hour besides, "I filed for  
 4 bankruptcy"? What else did he say during that hour  
 5 you heard the call?  
 6 A I don't -- I wasn't on the phone with him  
 7 when he was talking to them.  
 8 Q No. But you were present. You said in  
 9 response to your attorneys --  
 10 A I was present but --  
 11 Q Did you actually hear anything your  
 12 husband said on that phone call?  
 13 A I did. I did hear.  
 14 Q What? What?  
 15 A He -- about the payment that they were  
 16 asking for.  
 17 Q You didn't hear Green Tree say anything,  
 18 right?  
 19 A No.  
 20 Q So what did your husband -- you hear your  
 21 husband say during that one-hour phone call?  
 22 A Just about the payment; that we weren't --  
 23 we didn't -- we weren't paying because we didn't  
 24 have it, and then he was talking to the supervisor,

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1 whatever they were talking about. And I heard him  
 2 explain -- asking him why he would ask if we filed  
 3 for the bankruptcy, why did we not have the money.  
 4 Q And you don't know what the supervisor  
 5 was --  
 6 A No.  
 7 Q -- actually talking to your husband about?  
 8 A Uh-huh.  
 9 Q Were you embarrassed to file bankruptcy?  
 10 A No.  
 11 Q And you understand your bankruptcy is a  
 12 matter of public record, right?  
 13 A Right.  
 14 Q But you were embarrassed, then, to tell  
 15 your parents about the bankruptcy?  
 16 A Yes, absolutely.  
 17 Q But the bankruptcy itself didn't embarrass  
 18 you?  
 19 A Not really. I mean, explaining to your  
 20 parents why you had to do something that they have  
 21 no concern with is embarrassing in itself to have to  
 22 explain to somebody what your financial situation  
 23 is.  
 24 Q And if you had simply returned Green

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1 Tree's phone calls, you never would have had to  
 2 explain it to your parents, correct?  
 3 MR. BADWAN: It calls for speculation,  
 4 objection.  
 5 BY MR. BLANKENSHIP:  
 6 Q You can answer. You can answer the  
 7 question.  
 8 A Oh, I'm sorry. What was the question  
 9 again?  
 10 Q If you had simply returned Green Tree's  
 11 phone calls beginning in September 2011, you never  
 12 would have had to explain to your parents anything,  
 13 right?  
 14 MR. BADWAN: I reinstate the objection,  
 15 but you can answer.  
 16 A Possibly not.  
 17 MR. BLANKENSHIP: Okay. That's all.  
 18 Thanks.  
 19 MR. BADWAN: We are done.  
 20 THE REPORTER: Signature?  
 21 MR. BADWAN: We can waive, yeah.  
 22 (WITNESS EXCUSED.)  
 23  
 24

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1 STATE OF ILLINOIS                     )  
2 COUNTY OF COOK                     ) ss.  
3

4               I, DENIELLE P. MATHYS, Certified Shorthand  
5 Reporter No. 084-003933, and Notary Public within  
6 and for the County of Kane and State of Illinois, do  
7 hereby certify that on December 18, 2013, at  
8 11:07 a.m., at 150 North Michigan Avenue,  
9 Suite 2130, in the City of Chicago, Illinois, the  
10 deponent, KATARZYNA A. MODICA, personally appeared  
11 before me.

12              I further certify that KATARZYNA A. MODICA  
13 was by me duly sworn to testify the truth and that  
14 the foregoing is a true record of the testimony  
15 given by KATARZYNA A. MODICA.

16              I further certify that the deposition  
17 terminated at 12:04 p.m.

18              I further certify that there were present  
19 at the taking of the said deposition the persons and  
20 parties as indicated on the appearance page made a  
21 part of this deposition transcript.

22              I further certify that the signature of  
23 the witness to the foregoing deposition was waived  
24 by agreement of counsel; and that I am not counsel

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1 for nor in any way related to any of the parties to  
2 this suit, nor am I in any way interested in the  
3 outcome thereof.

4              IN TESTIMONY WHEREOF, I have hereunto set  
5 my hand and affixed my notarial seal on this 30th  
6 day of December, 2013.

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DENIELLE P. MATHYS, CSR  
Notary Public  
CSR License No. 084-003933

In re  
Jeffrey R. Modica, et al., Debtors

KATARZYNA A. MODICA  
December 18, 2013

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